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A MEMOIR

OF THE LATE

HON. PETER McCALL,

(Chancellor of the Law Association of Philadelphia.)

Read before the Association,
at the Hall of the Historical Society of Pennsylvania,
on Thursday Evening, January 13, 1881,

BY

HON. ISAAC HAZLEHURST.

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HON. PETER McCALL,

(Chancellor of the Law Association of Philadelphia).

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MUS.

IN EXCHANGE
Mus. Hist. Soc.

No. 208 South Fifth Street,

Philadelphia, November 6, 1880.

HON. ISAAC HAZLEHURST,

MY DEAR SIR:

At the meeting of the Law Association held upon the 5th instant to take action upon the death of Mr. Peter McCall, its Chancellor, the following Resolution was unanimously adopted:

"*Resolved*, That Mr. Isaac Hazlehurst be invited to read a memoir of Mr. McCall before the Law Association, at such time as may be convenient to him."

Hoping that you will gratify the Association by granting their request, I remain

Your obedient servant,

A. SYDNEY BIDDLE,

Secretary Law Association.

No. 508 Walnut Street,

Philadelphia, November 15, 1880.

To A. SYDNEY BIDDLE, Esq., Secretary, etc.

My Dear Sir:

I am in receipt of your communication of the 6th inst., enclosing a Resolution of the Law Association that I should be "invited to read a memoir of Mr. McCall," the late Chancellor.

I shall take a peculiar pleasure in attempting to discharge the duty to which I have been assigned, and I will as soon as possible comply with the terms of the Resolution by naming whatever time and place shall best serve the convenience of the Association.

I remain, sir, very truly and respectfully,

ISAAC HAZLEHURST.

No. 528 Walnut Street,

Philadelphia, January 15, 1881.

HON. ISAAC HAZLEHURST,

MY DEAR SIR:

It is my pleasant duty to advise you that at a special meeting of the Law Association, held on the 13th inst., the following Resolution was unanimously adopted:

"*Resolved*, That the thanks of the Law Association be tendered to the Hon. Isaac Hazlehurst for his eloquent and instructive tribute to the memory of its late Chancellor, Mr. McCall; and that he be requested to furnish a copy of the address to the Association for publication."

I trust that it will be entirely agreeable for you to comply with this request.

Very respectfully yours,

ROBERT D. COXE,

Secretary Law Association.

No. 2020 Spruce Street,

Philadelphia, January 17, 1881.

To ROBERT D. COXE, Esq., Secretary Law Association.

My Dear Sir:

I willingly comply with the request of the Law Association as expressed in the Resolution adopted on the occasion to which you refer; and I beg to thank you at the same time for the courteous terms in which you have communicated it to me.

I remain, sir, very truly yours,

ISAAC HAZLEHURST.

I THINK, sir, it speaks well for an association that has counted so many learned and distinguished men among its members that it has united as a body in this tribute of respect to the memory of the great and good man who has passed away—and that the people of Philadelphia have good reason to congratulate themselves upon the opportunity your invitation has afforded them to testify by this distinguished representation to the value of his civic and patriotic services. But you have forestalled me, Mr. Chancellor, for you have pronounced yourself the highest eulogy upon him, when you said, in a sentence of rare and fitting estimation, that what was said of him while he was living could hardly be added to when he had died. I know of nothing more graceful by way of sentiment, or more felicitous in expression, than your chosen words; and I trust, sir, I may be allowed to congratulate you upon so just and eloquent a tribute to his incomparable worth and worthiness.

When I said that I would take, what I doubted not to find, *a peculiar pleasure* in attempting to

discharge the duty of this evening, I did not appreciate the difficulties that have embarrassed me. Words of high praise, deep affection and lofty admiration it would be an easy task to arrange in conventional order. But "why should calamity be full of words"? To honor the citizen, all his fellow-citizens are agreed. The eye of observation is not strained that marks the course of the just magistrate. No voice dissents from the verdict of his acquittal of all that was not pure and upright in the discharge of every responsibility. His brethren consent that the learned and accomplished lawyer shall take the first place in their affectionate memory and esteem. But all this would only expose him to the hardship and peril of a separation from the love and honor that waited upon him constantly, and abandon his memory to the fate of a distant admiration, upon whose height it might lie white and pure as the Alpine flower, but in the bitter cold of the upper air. The value of his friendship consisted in the countless opportunities that the generosity of his heart embraced. The graces of his nature were discovered where their praises were continually sounded—in daily intercourse. All that belonged to him were qualities above value, and everything that makes up our recollection of him was some one of those sweet and modest delicacies of character that would make the tenderest hand of its exposure seem unchaste. He needs to stand upon no higher level than the love of all who knew him, nor to be seen in any kindlier light than is shed from that Lamp

that was a light unto his feet. He walked through life as one might tread some graceful measure, with the law of commandment in his heart and a song of the sweetest testimonies upon his lips. It is only from an uninterrupted intercourse — for there was nothing about him that captivated on the instant—that the testimony can be gathered from which even an estimate may be formed of his character. And that testimony is of a peculiar kind. It is the testimony of going witnesses, and is being taken late in life's afternoon. Of his cotemporaries, not a handful are left; of his companions, but a few more. A new generation of men is on the stage of active life. A new professional race is in training. It is another day. Time is said to be an enemy. I give him hostages from the ranks Mr. McCall commanded by the supremacy of his own fitness and goodness, and which he inspired again and again by the display of his own noble courage. Few members of this Bar have sustained the peculiar relation of preceptor and professor to so large a number of their juniors; and it would be a base thought to entertain of those who profited by his instruction that they could soon forget the lesson of his example. For he taught more by example than by precept. He dignified authority and ennobled maxim. The performance of his duties as an instructor passed the muster of that stern scrutiny to which he subjected the motive of every action in his life, and that he faithfully discharged them a grateful generation is on hand to testify.

But, after all, what were the elements that combined in such singularly fit proportions to make his character eminently striking and effective among a multitude of other worthy and admirable examples that have been set and followed in our midst? For it is impossible to deny that such was the fact. The admission does not need to be extorted. It is not a charitable tribute to the dead. But in what particulars was it so? Mr. McCall was not a man of more than ordinary endowments. His mental constitution was not nearly so vigorous and robust as many another's, who, at the time when he was in most active practice, won professional honors that escaped his grasp, even if his hand was ever extended to secure them. Was it a fortunate social position? Nearly, if not all, the men who secured distinction at the time shared that advantage with him equally. Ancestry had conferred upon them all the obligation of distinguished names. Surely the posthumous son of a poor merchant who had withdrawn years before his death into a strict retirement, could have had no early influence or advantages that secured him exceptionally easy terms with fortune, or exaggerated his capacity beyond a fair estimate of the average ability—if it even conceded that. He had little wish or liking for prominence, though he exhibited all that virtuous propriety that makes ambition excellent. With a lofty indifference to the intolerant opinions of others, he was careful of nothing but to deserve their respect by the honest and timely expression of his own. Of the public

offices he held, only one had any patronage and a very moderate compensation. Could it have been by eloquence? Though his taste was always exquisite, his composition graceful and elaborate, his method elegant and his manner distinguished, he was inferior to many others who then delighted and commanded a forum "where immortal accents glowed, and still the eloquent air breathes." What was it then? Men talk of the *average* man, and in a way that seems to take for granted, or, at all events, rouses a very strong suspicion, that all his qualities are of the second class, and that he is intended to be put at a disadvantage by their comparison with some one or two that shine with conspicuous brightness in another. Mr. McCall is best described, to my mind, as a man fully up to the average measure of *every private virtue and every public excellence.* If he had been more generous than he was just, for instance; if he had been less virtuous than he was modest; if he had been more partisan as an advocate than he was prudent and judicious as an adviser; if he could ever "upon the winking of authority, have understood the law;" if he had ever forgotten that the natural man and the professional man were one and the same person,—there might have been more striking moments in his life—moments of crowded admiration—more effective dramatic opportunities; but we might not then be able to say of him as we do now, and feel the pride an angel might take in saying it, that while no man is perfect, he, who was certainly the *average best of everything*, was not very far from

it. Nor is the judgment to be entered upon a general average. That is altogether too vague and loose a phrase. Selected qualities only are appraised, and made to count in it. The standard varies even between particulars. It is general in every sense. But with Mr. McCall, not selected qualities, no matter how numerous and imposing, but every one that he possessed, whether of heart or mind, passes into the total at the appraisement of virtue itself. His life was a piece of concerted music. This is high praise, and it is hard to be impartial at the grave. But I ask you, who knew him, if I have spoken *too* well of him? That it is striking, even to surprise, is in consequence of its entire truth and justice. It is not speaking no ill of the dead, but it is telling God's own truth about him. It was this sense of its perfect harmony that stamped upon his very countenance—integrity; and I use the word in its good old Latin meaning,—a man upright and whole. The disproportion of ingredients, the improper admixture of colors, the bad arrangement of light and shade, produce their effect at once. The shock is instantaneous. It does not hurt us, and even to feel it may not be an unpleasant experience. It may be of the very slightest kind, and perhaps may not swing through a wider arc than between praise and excuse; but the Judge who is to give sentence upon the pure and blameless life that has passed now into his presence, has his seat upon the throne of the universe whose harmony is the praise of his glory. This leaves very little room to accommodate the distinction between *natural qualities* and *attainments;*

which, I am sometimes inclined to think, is one of the most invidious distinctions that can be made. For it supplies the most vicious source from which the idle and dependent draw comfort, if they ever feel compunction, and the proud and silly replenish their vices as from a well-filled store-house. In fact, there can be no such distinction. It is imagined only to console the miseries of some poor conceit, or to serve as a lame excuse for some lamentable and utterly contemptible failure; for it is to be remembered that until a man's natural powers, every one of them, are exhausted, he has no right to rest even so much as to eat bread from the constant exercise of their full vigor. The full use of them is required at the hand of every man, and then his attainments will be the rich, purple fruit that hangs in heavy clusters from his own faithful and conscientious work. Certainly there never was a man who was more entirely just and true and honest to himself in this respect than Mr. McCall. And what he was in the community and to society everywhere, he was because, being always in attendance upon that business of his life, he could not then be false to any man. The value of character is always to serve for an example. The power of character is another thing. It is an enabling power. It creates influence. It commands opportunity. It receives respect and confidence. It honors and is honored. But in the ambition they excite, and in the encouragement they give to others to hold them for an ensign—to imitate them—lies the real value of the services that men of rare and conspicuous excellence

and virtue render to their time. A man of virtue and goodness ensures a posterity of them by just as sure a law as keeps alive his name and protects his property. He becomes the father of a family of virtues to bless and honor him from one generation to another.

The Bar of Philadelphia, when Mr. McCall joined it, was a society of national fame and importance. Its illustrious membership was yet intact. Mr. Binney was still in the full possession of those mature powers that shortly afterwards "on his crowned head confirmed the crown." Mr. Sergeant was at his best; so was Mr. Ingersoll, Mr. McCall's preceptor, and, to the last, one of his most appreciative and ambitious admirers; and a host of other unforgotten worthies—names of bright renown—long since gathered to "the rest of their bones and soul's delivery," and their memories taken into the keeping of a grateful pride. Across the sea, the famous champion of the royal credit had just closed a brilliant argument in the only case where the credibility of a sovereign has been impugned. A great traveler had just written: "The lawyers are the only real aristocracy of America; they comprehend nearly the whole of the respectability, talent and gentility of the United States." A curious and inquisitive thinker had barely finished his researches that traced one-sixth of the English peerage to the Bar. In fact, scarcely at any time has so much attention been called to the profession generally, and at no time has it deserved the confidence and veneration of the public more than then, for it secured them by a display of the most pro-

found learning, the greatest rectitude of private character, the most finished and brilliant efforts of forensic skill and eloquence, as well as by a thorough and liberal education, that was as familiar with the polite letter as the black. Just at that time, Mr. McCall was entered as a student in the office of Mr. Joseph R. Ingersoll, where he began his studies in company with some dozen or sixteen "young gentlemen," and where he continued them until his admission to practice as a member of the Bar in 1831. He came upon the scene with nothing in particular to indicate or recommend his subsequent career, except that everything might be confidently expected as the issue of his noble resolve "never to be clouded by dishonor or the consciousness of having done an ill deed." His entrance was as noiseless as his last footfall. He left it the Chancellor. Now what was it that accomplished that result? The bestowal of that high honor was in acknowledgment of what special fitness? Mr. McCall was not a great lawyer, but he was a great gentleman. Not in the miserable and corrupted sense that serves to mark some trifling affectation of manner, a grace of bearing that is excused as courtesy, or some hypocrisy of manner that passes for gentility; but in the brave sense that "bears without abuse the grand old name." When Thackeray had finished his story of the most famous (because the most infamous) family of kings England ever had, and when he flung the last of them away from him in scorn and derision, he turned as if in search of rest, to find a true gentleman. He wrote of the

Nelsons, the Collingwoods, Judge Cleaveland, Southey and his Edith, and he said, "Without love, I can fancy no gentleman." And then, in all that brilliant comparison, he asked "What is it to be a gentleman?" Let *him* answer. "It is to have lofty aims; to lead a a pure life; to keep your honor virgin; to have the esteem of your fellow-citizens and the love of your fireside; to bear good fortune meekly; to suffer evil with constancy, and through evil or good to maintain truth always."

Sir, all the chancellors of this institution have been distinguished men. From 1827 to 1880, Mr. Rawle, Mr. Duponceau, Mr. Sergeant, Mr. Binney, Mr. Ingersoll, Mr. Meredith, and Mr. McCall, were chosen in succession. It is, indeed, "*a shining list.*"

"They were the Day of those proud years.
The Evening we: perchance the Night."

Mr. McCall entered the Bar with this advantage that his family had been citizens of Philadelphia from the beginning of the last century, where the earlier branches that came to this country were largely and favorably known as prosperous and enterprising merchants, and were generally to be found filling the part of leading citizens at the town meetings when questions were under discussion that disturbed the peace of mind of the community, and called for the adoption of remedial measures of some sort. The name of some one or other of them is almost always to be found in the councils of the city or in the Assembly, and on several occasions they served in the different mayoralities. Nearly always they espoused the Royal cause

until near the close of the war, when they were occasionally found bearing the American arms. The family is descended from the ancient border clan McCall, an offshoot of the famous McCauley clan, as it, in turn, had been of the clan McAulay, a portion of the divided clan of McGregor of Dumbartonshire, one of the most southern Highland clans, where the proper name is to-day in large landed possession, and from the neighborhood of which the McCalls came to this country. Probably all these clans had originally been one and the same; but, however that may have been, the clan McCall does not exist now, nor, indeed, has it existed, *as a clan*, for many years. Lord Macaulay traced his own descent to the same clan, and his great-grandfather's name was Aulay McCauley, so singular a combination of the two names as to be hardly accidental; and so did George McCauley, a London alderman, who died in 1778. They are reached, however, with entire certainty, early in the seventeenth century, when the records show that in 1690 one Samuel McCall was married in Glasgow to a daughter of Robert Dundas, of the county Midlothian, a famous judge of the time, who seems to have enjoyed the reputation of a man of sound learning, and to have held a high social place. Mr. McCall was one of the largest and most responsible of the merchants of the city, and was reputed to be a man of wealth. Mrs. McCall, who was distinguished for her beauty, as well as for the grace and elegance of her manner, was the aunt of Viscount Melville. They had two sons, of whom Samuel remained in business with his father at Glasgow,

and is the head of the branch of the Scotch McCalls, as they are called; and George McCall, who came as a very young man to the United States, to engage in the business of a merchant. Their eldest daughter married Mr. William Herring, of Croydon, in Surrey, cousin of Thomas, Archbishop of Canterbury; and their second daughter married, in 1766, Sir Francis Baring, whose son, the first Lord Ashburton, married back into the family through the Binghams. Less difficulty than usual has attended the verification of these facts, as the McCalls have always been people of influence and position in the different communities where they have lived, and won wide respect by the dignity and propriety of their private characters; taken, too, in connection with the fact that they seem to have been always people of large wealth. The records of the family at this time, and ever since, are comparatively full and perfect. Soon after his arrival in this country, Mr. George McCall became a large colonial proprietor in Pennsylvania, and in Virginia as well, though subsequently all of them were confiscated on account of his Tory sentiments and affiliations during the war. He settled in Philadelphia in the year 1701, and from that day to this the name he founded in this country never represented anything but a large measure of its culture and respectability. Influence it has always commanded by the highest personal excellencies and attainments. As soon as he was settled in Philadelphia he identified himself with old Christ Church; and a curious item of contribution to his history is found in a paper under date of May 7, 1739, preserved among the

parish records, in which his name appears as a contributor to a fund that was being raised to build a new church. The extract is as follows: "The church wardens are required to give notice to Mr. George McCall, tenant of the parsonage house, that his rent from this date is to be paid into their hands for the use of the church." He was a man of much more—very much more—than the usual local prominence and importance. He was a member of councils, and of the Assembly in 1722, about which time he was married to Ann, a daughter of Jasper Yates, an ancestor of the learned Chief Justice, and one of the earliest reporters of the cases at law in Pennsylvania. Mr. McCall acquired much real estate in and about the city proper, and by deed dated June 20, 1735, for a consideration of two thousand guineas became the owner of a tract of land in Montgomery County containing about twelve thousand acres, much of it embracing the lovely valley of the Schuylkill, and not very far from that beautiful section of country that was the continual subject of the late Chancellor's enthusiastic admiration; among whose hills and woods he made his home, and on one of whose sunny sides he died. The tract was for many years called "McCall's Manor," and in the county records, though they are not entirely satisfactory on the subject, there is mention of the McCall Forge on Manatawny Creek. Mr. McCall's name is found attached to a large number of petitions prepared and circulated by merchants and men of various business upon every conceivable subject of common and general importance; so that the first bearer of

the name in this city and neighborhood set the clear and unmistakable example of the duty to act in unison with his fellow-citizens upon public subjects where his probity of conduct and wise counsel could be of service to them,—an example that no one of his descendants has hesitated or forgotten to follow. Mr. McCall died in 1740 and his wife in 1744. They were both buried in the Christ Church burying-yard, which has ever since continued to be the family cemetery. Mrs. McCall is spoken of as having been a lady of great personal beauty, of which her portrait by Hesselius is good evidence; of charming address, and most admirable in the entertainment of the distinguished company of that time. They had ten children, of whom their daughter Catherine married her cousin, Mr. John Inglis; a gentleman whose reputation as a wit and beau shows that, in his case, it must have been anything but a bauble. He was a partner of Mr. Samuel McCall of Glasgow, who had come to this country on a visit, but, upon his marriage, resolved to remain. Although he entered the firm of McCall and Inglis, merchants, his reputation as a man of fashion and leisure makes it scarcely probable that he was more than nominally a man of business. Peale painted his portrait for the "City Dancing Assembly," of which he was for years the manager and oracle. Yet he was a man who, in his time, accepted larger and heavier responsibilities than the management of a ball. He became a member of the St. George's Society in 1792, was for several years collector of the port, and was elected to the Common Council in 1745. A number of

allusions to him in the correspondence of that day show him to have been a gentleman of rare amiability and numerous polite accomplishments, versatile and vivacious, a kind and faithful friend, and a general favorite. Of their children, John was made a British rear-admiral, and was constantly engaged during the War of the Revolution in operations upon the American coast. Samuel died young, and is buried in Christ Church yard. George "of Abingdon," as he was called, lived till 1833. Catherine died in 1821; Mary married Colonel Julius Herring, a man of great wealth, and a large property owner on the island of Jamaica, whose daughter became the wife of the Hon. Henry Middleton, at one time the governor of South Carolina, and United States Minister to the court of St. Petersburg. Their eldest daughter married the late Joshua Francis Fisher. Ann, who died in 1771, married an English merchant; and Jaspar, a young man who is said to have been of singular promise, and gifted with fine natural abilities, together with some of the wit and versatility of his father, died at Philadelphia in the year 1847, during the first epidemic of yellow-fever. Mary married her cousin, a son of Mr. McCall of Glasgow, and settled in Philadelphia. Samuel died in 1762, a prominent and successful merchant, who was one of the signers to a remonstrance against levying a tax on imported slaves. He was a member of the councils in 1747. George, who died in 1758, was a member of the Assembly from 1712 to 1720; a member of councils in 1712, and alderman in 1719, and mayor of the city from 1723 to 1741. Archibald,

who died in 1727, was the first East India merchant in Philadelphia, a man of great fortune, of whom it was said that *his* importations alone supplied the Province. He built and, for a time, lived in a house at the north-east corner of Third and Pine streets, and afterwards in the large house at the north-east corner of Second and Union streets, where General Gage, a relative of Mrs. McCall, made his headquarters. He was a man who lived in all the luxury of the time, and it is noted, in token of his magnificence and display, that he kept "one chariot or post chaise." He was on the patriot side in 1765; joined in the open revolt excited by the passage of the Stamp Act; was one of the committee of seven appointed to wait upon the stamp agent on the arrival of the Royal Charlotte, though, for some reason, he afterwards espoused the Royal cause. He was a member of councils in 1764; joined the St. Andrew's Society in 1769. In 1762 he was married to Judith, the daughter of Peter Kemble, of Mount Kemble, N. J. They had eighteen children, of whom a daughter, Mary, married Lambert Cadwalader, a distinguished and gallant colonel of the patriot forces; a son George, who married Margaret, a daughter of George Clymer, the signer; and Peter, the father of the late Chancellor, who was born March 27, 1773, and died May 7, 1809. He was married to Sarah, a daughter of John Gibson, who was a member of councils for many years, and mayor of the city in 1771. Mr. McCall failed in business, and retired from Philadelphia into the country near Trenton, where he died, from the effects of a sunstroke, not long before the birth of his son Peter.

Mr. Peter McCall was born near Trenton, where his mother had continued to live since her husband's death on the thirty-first day of August, 1809. What might be called the materials for the life of Mr. McCall it is almost impossible to collect beyond the mention of the few public offices he held, and the dates of a few occasions when he appeared quite prominently before his fellow-citizens. So singular and unaccountable was his reserve upon the mention of whatever related to his merely private and personal history; the small and relatively unimportant events of his life; even the thousand little matters that most men take pleasure in recalling and recounting, that he would deny even to his friends the gratification and delight they would have had in such an expression of his confidence in the sympathy they felt with whatever caused him disappointment or brought him pleasure. But there is no doubt that it was the direct consequence of his devout wish to remain studiously unobserved, and of an idea that he conceived and adopted as the rule from which he never departed,—that he would say nothing about himself for the reason that it might seem to invite a like confidence from his companion that might be painful and distressing for him to give. For, really, it would be impossible,—it would be out of the question,—to attempt to explain such peculiarities as these,—for there were several more,—unless we agree to recognize the fact, that whatever in him was unlike other men he had either insensibly acquired by the exercise of some sweet quality of his own patience, or quietly

adopted as the rule of a safe prudence that would prevent him trenching on the sensibilities of others. Even in those times when every human being turns by reason of being human to seek encouragement at least, if not more substantial help, from some other source than his own rugged power of endurance and strength of purpose, Mr. McCall was never found in *quest* of it. That he deeply appreciated it, and *accepted* it with a profound and touching gratitude when it was offered him, is perfectly true, and it was at all times his most religious care to make that abundantly evident; but his lofty serenity never seemed to need it, nor his composure of mind or heart to be in the least degree deepened because of it. But there was nothing that in the least respect affected a sternness or severity in this; it was a strange and infrequent union of a sensitiveness that felt the slightest wound, and a high courage that was grateful to bear it alone. To this should be added that a nature so deeply religious as his was,—religious in the peculiar sense in which that word may appropriately be used,—felt the full sacredness of sorrow. It was to him one of the appointed mysteries of life and faith, and he felt as little right to complain of it as to attempt to penetrate it. His hand would as soon have been put forth to remove it as it would to sweep its sacred symbols from an altar. In this, as in everything, what he most desired and what he most sought, was seclusion; not a mysterious retirement, for he disliked loneliness, but what I may call a hospitable seclusion, —open as his house door to welcome friendship or

entertain want, but impregnable as a mountain fortress against the advance of mere intrusion or idle spying out. Mrs. McCall continued to live at Trenton while her son was preparing at a neighboring school to enter the College of New Jersey, from which he graduated in the year 1826. Though a small class, it was a very formidable one. Nearly all its members have been men of mark and position, and many of them very celebrated and distinguished. On its roll were Alexander, Bainbridge, Baylor, Hamilton, Claverhouse—Graham, Barclay Napton, Muhlenburg, Heister, Rideway, Yates, and many others. Through this formidable list Mr. McCall made his way to the first place, which he divided with the distinguished Archibald Alexander. Beyond this record of the class nothing is known of Mr. McCall's life at college. Immediately upon his graduation Mrs. McCall removed to Philadelphia, and her son commenced his preparation for the Bar, to which he was admitted in 1831. Very shortly afterwards he drew marked attention to himself by an exhibition of rare professional skill and eloquence in a capital case of great popular interest, in which he was the colleague of Mr. David Paul Brown. His practice increased rapidly in just proportion to the conscientious attention he gave to all its demands upon him. He prospered as men like him always do prosper, slowly but surely. Public attention was soon attracted to the pure and upright citizen, and he was called upon to serve in both branches of the city councils; and in 1844 he was elected mayor of the city, upon his retirement from

which office he received a testimonial, through the press, from the citizens of Philadelphia, without political distinctions of any kind, to the absolute fidelity and impartiality with which he had discharged all his onerous and responsible duties. In 1846 Mr. McCall married a daughter of Colonel John Mercer, of Cedar Park, West River, Maryland, a descendant of the Mercers of Aldie, Scotland,—a gentleman well known in the society of his day. He was one of the garrison of Fort McHenry in the bombardment of 1814. Mr. McCall was for more than fifty years a member of the Historical Society of Pennsylvania, and from 1831 until 1842 served as one of its "Executive Council." His confidence in its usefulness, and his interest in its prosperity, remained unabated through his whole life, and among the last pages that his withered hand turned over were those of one of its publications. On November 29, 1832, he delivered before the Society an address on "The Progress of the Society of Friends in Pennsylvania, and their influence on our institutions —literary, benevolent and political," of which but a single copy is in existence outside of the archives of the Society. It is said to have been remarkable for its thorough and wide preparation, its collection of valuable and curious details, and much new and important information upon the general subject. It was, too, an instance of that singularly beautiful and graceful freedom of style that marked all his subsequent efforts by an elegant simplicity of arrangement, and a delightful ease of delivery.

In 1838 he delivered an address before the Law

Academy upon the Judicial History of Pennsylvania; and on several other occasions he appeared,—though at long intervals,—to render it his services as a graceful and accomplished speaker. With the exception of the two public stations that I have said Mr. McCall occupied for a short time, his life was spent exclusively in the practice of his profession, quietly and unobtrusively, but with almost unexampled painstaking and fidelity. No cause ever suffered at his hands. No client ever was the loser by his neglect. He addressed no bench that he did not instruct. He retired from before no jury which, if he failed to convince, he had not charmed and delighted. His historian tells us that on one occasion, when Cicero wished to call marked attention to the justice of his cause, it was conspicuous that he wore a *white* toga, and delivered the famous speech, a fragment of which has been preserved under the title of the "*Oration of the White Robe.*" That was precisely the effect Mr. McCall never failed to produce upon an audience; but it was not reached by a mere trick of dress or show of manner; not by any action that a man might play, but by the influence he exerted in the exhibition of his most ardent purpose, and by the courage he displayed in the fearless defense of those convictions which with him were nothing less than moral intuitions, fortified by the most patient and diligent preparation. Whately said: "It is one thing to wish to have truth on our side; and another thing to wish to be on the side of truth." That sentence might have been written to describe Mr. McCall. For him it was not enough that the presen-

tation of a case *need* not be entirely wrong. His intolerance of suspicion detected at a glance that it was not entirely right. This alone describes the kind of influence he exerted. This explains the power of his mere presence. It was remembered by those who had heard Lord Chatham, that there was something finer in the man than anything he said, and Emerson adds, "There is no true eloquence unless there is a man behind the speech." Mr. McCall was not a lawyer of celebrated cases, and he never answered to one that required and clamored for immediate trial to sustain or satisfy the excitement it had created. The populace seldom heard him. His peculiar tastes, his habit of tedious preparation, his aversion to being hurried, his contempt of half-done work, all unfitted him for practice of that kind. He was pre-eminently the adviser; the safe counsellor; and especially is this true in the case of his juniors at the Bar, even to the youngest; no difficulty embarrassed them to which he was not ever ready to lend a most attentive ear, and give, as only *he* could give, the needed suggestion, accompanied with so much that was gracious and kindly in tone, and full of hearty and generous interest.

Perhaps the two most remarkable traits in the character of Mr. McCall were care and courage. Care is perhaps not the right word, but caution would be a worse one, because it might intimate some measure of timidity, from which he was absolutely free; while prudence is altogether too staid a virtue to stand for that maiden-like suspicion that heard afar off the footsteps of an insidious approach. This kind of care

may, perhaps, be best described as a conscientious economy. It was a saving of small things; odds and ends that make up the contents of most waste-baskets; small scraps of useful information cut from papers and magazines, and preserved in such a way as to make them easily accessible; occasional thoughts and ideas of his own, when he would be at leisure, or off on one of his long walks, jotted down in his memorandum book, and the memoranda, if he thought them worth it, afterward arranged methodically. And many other such trifles. But with time he was positively miserly. It is not too much to say he was never idle. As quaint old Fuller said of Sir Francis Drake, "He hated nothing so much as idleness." And, of course, just as a miser's eye would see a penny where no one else would have found it in the most arduous search, Mr. McCall hoarded up a store of leisure moments that he spent upon studies in art, general literature, and either in acquiring or replenishing some piece of useful knowledge. And this was true of his business habits as well, only that, because there it was exercised about the concerns of others, it was perhaps more strict and jealous. Nothing was ever deputized. He did not know what it meant to be constructively present. In a word, his care amounted to *watchfulness*. It was alert. Nor was it in any way or to the least degree that kind of care by which men are sooner or later worn out,—the restless, fear-*ful* care, holding out its ravelled sleeve to beg an alms of sleep. The care that kills. To this fatal malady how many of our profession have yielded! How many young men of

fair promise, and with a certain future at the Bar, have been stricken down by it! How many more there have been whose untiring industry was just beginning to tell in the eagerness with which their services were sought, and in the full measure of compensation that was pouring its benefits upon them! But his was the kind whose very exercise brought rest and ease of mind. There was not a sign of *worriment* in it. There was no affectation, no parade, about it. You discovered it only by observing what was always so striking in him,—that peculiar readiness, the entire absence of confusion, and his instant command of an accurate and felicitous expression. It was good order kept in order. But by far the most affecting exhibition of this pre-eminent characteristic of Mr. McCall was the care he took *to hurt nobody by word or deed.* Although the virtuous habits of his life at all times prevented him from any thoughtless or ill-considered talk, yet he seemed to know by inspiration when the expression of an ordinary opinion, or a reference to an accidental circumstance, might wound some tender sensibility or awaken a painful reminiscence, and then, with the most admirable and adroit management, he would come to the rescue, and, before his gentle intrusion had incurred the least suspicion of an interference, the danger had been long averted. And especially was this true of him in his intercourse with any who occupied a station in life less fortunate than his own. He has left behind him no truer friends—there are few who will feel his loss more deeply—than his simple country neighbors. No

one of them who addressed him was ever for a moment allowed to feel that he was his inferior, except —and *we* must have felt that—in real goodness, unaffected courtesy and kindness of heart. His illness was the chief of their humble concerns; and many an eye has filled that caught the gesture of his wasted hand waving, when he could not speak, a "good day." But something must be said of the peculiar *courage* that was an equally conspicuous quality of Mr. McCall. It was not only the personal bravery that refused a second thought to the risk of life or limb, and that disdained the protection of his body against violence. He never seemed to dream that any hand could "stagger thus his person." Bravery is only the opposite of fear, and of fear he had no conception. Once to have seen him afraid would have been not to know the man. But courage is a very different quality. It is never wasted on a foot-pad. It is that personal and incommunicable quality that casts in its lot with virtue—

> "Nor praises more itself for hero-deeds,
> Than stones for weight, or open seas for tide."

Often has Mr. McCall displayed this courage. Many a cruel blow has been dealt his noble heart that would have been manlier if delivered on his face. Many a bitter word has reached his ear only to find that some sweet promise had outrun it. It was the courage of conviction, of high principles, of lofty aims; the courage of a noble nature "wrapped," as he said himself on one occasion of another, "in stern integrity, high above the reach of passion and of prejudice." The

ranks of virtue are never thinned by desertion, nor by fiery darts or prosperous weapons. To have joined them is to have secured an earnest of victory.

We sometimes say of men who excel in virtue, when we wish to sound the highest note of their praises, that they are "ideal;" that such a rare and felicitous combination of excellencies is phenomenal. We keep a grateful place for them in our memory, "therein to be quietly inurned." When Lord Bacon said, "There is in some men even by nature a disposition toward goodness," he added, "there is also a habit of goodness directed by right reason." Mr. McCall had both; but what his life was in particular an example of, was that *habit* of goodness, which became a *second* nature, scarcely less beautiful than the *first* "disposition toward goodness." He reached his place by honesty, courtesy, sound learning, the exercise of constant care, a love of truth, and the display of noble courage. To say more here might be to draw too heavily upon the fund of a long, familiar, and devoted friendship. To leave him now is not to leave him at the mercy of any human being, nor to desert his memory in the presence of any treacherous foe. Fifty years of professional life, crowded with many cares, have given in their testimony. We recall with pleasure many generous friendships, we think with pride of some great names, we grieve over many losses. The water-clock is filled from the eyes. These meetings have been frequent of late, some of them too recent to allow even the mention of many good and honorable names. England has just laid her great Chief

Justice in Kensal Green, and the old Christ Church burying-ground in Philadelphia is filling up with rich mould.

And now, gentlemen, the task you invited me to perform is done. The pure and stainless life has been graciously permitted a peaceful and painless death. The past is safe. Weakness and disease, that advanced at first under the protection of a flag of truce, too soon insisted upon the terms of an unconditional surrender. The enemy was within the citadel. Calm and undisturbed as its own unfathomable depths he was carried to the sea. Before entering upon the new eternity he delighted to look upon the old. Where no shore was to be seen, his preparing eye descried one whereon there was a fire of coals lighted. He took counsel of the troubled sea as he was being led beside the still waters. He had no wants, for the tenderest solicitude anticipated them. He had no wish, for the sweetest piety foresaw it. Loved and loving, blest and blessing,—"if 'twere now to die, 'twere now to be most happy." And yet he longed to die at home—"the home of an ancient peace." To rest was his one thought, and to rest abroad was impossible. For days he lay at home without pain, but in extreme and terrible exhaustion; yet through it all *himself*—thoughtful, with an exquisite care of every one, too sensible of the grief that was near at hand even to refer to it, yielding, gentle, patient,—what wealth of words can do it justice!

The end came at last. His commission had been withheld from the angel of the sickle till the harvest

of the fields had been gathered; and then in mortal weakness, but with a grand and lofty indifference, he only consented to death because it had no *dominion* over him. With every sweet and loving care in waiting upon his dying wish, before his children and his children's children, with the blessing of all who knew him upon his head, and a profound charity for all whom he had known in his heart; about the time of the evening oblation, in that strange space of half an hour, when "there is silence in heaven," and "not one plumèd pinion stirs," the curfew bell called the attendants of his life, Love and Honor, to cover up the purest fire that ever burned in human breast. "Thus came Faithful to his end."

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